

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 136 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE J.M.PANCHAL

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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RAMILABEN GOSAIBHAI PATEL

Versus

REGIONAL PASSPORT OFFICER

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Appearance:

MR ZUBIN F BHARDA for Petitioner  
Ms Promila Safaya, for respondent.

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CORAM : MR.JUSTICE J.M.PANCHAL

Date of decision: 27/01/97

ORAL JUDGEMENT

Rule. Ms. Promila Safaya, learned Standing Counsel for Central Government waives service of notice of rule on behalf of the respondent.

At the request of learned Advocates appearing for the parties, the petition is heard today.

By means of filing this petition under Article 226 of the Constitution, the petitioner has prayed to issue appropriate writ or order directing the respondent to correct birth date of the petitioner mentioned in Passport from February 29,1965 to February 28,1965.

The petitioner was granted Passport by the respondent. According to the petitioner, her correct birth date was not registered in the record maintained by Machad Village Panchayat and under the circumstances in the Passport issued to her, her birth date was mentioned to be February 29,1965. However, after learning that a mistake was committed in mentioning birth date in village record, father of the petitioner had made an application to the learned Chief Judicial Magistrate, Navsari under section 13(3) of the Birth and Death Registration Act on July 22,1994. The learned Chief Judicial Magistrate by order dated June 22,1995 had directed that necessary correction be made as prayed for. Thereafter the petitioner made an application to the respondent for mentioning the correct date of birth in her Passport, but the application is not entertained and, therefore, the petitioner has filed the present petition and claimed relief to which reference is made earlier.

In support of averments made in the petition, the petitioner has produced photostate copy of Birth Certificate issued by competent authority which indicates that the date of birth of the petitioner is February 28,1965. As the competent court has ordered correction to be made in the date of birth of the petitioner and as the petitioner has produced birth certificate which indicates that her birth date is February 28,1965, following direction is issued :-

The respondent is hereby directed to act upon the Birth Certificate of the petitioner issued by the competent authority and process the issuance of Passport in accordance with law and procedure which the respondent is required to follow.

Rule is made absolute in the aforesaid terms, with no order as to costs. Direct Service is permitted.

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